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2 **UNITED STATES DISTRICT COURT**  
3 **SOUTHERN DISTRICT OF NEW YORK**  
4

5 JOHN NYPL, *et al.*

6 Plaintiffs,

7 v.

8 JP MORGAN CHASE & CO., *et al.*

9 Defendants.

Case No: 1:15-cv-09300-LGS

10 **NOTICE OF MOTION FOR ISSUANCE OF A HAGUE CONVENTION REQUEST FOR**  
11 **INTERNATIONAL JUDICIAL ASSISTANCE TO TAKE TESTIMONY OVERSEAS**

12 PLEASE TAKE NOTICE that upon the accompanying memorandum of law and the  
13 Declaration of Lingel H. Winters, dated April 10, 2019 (the “Winters Declaration”), Plaintiffs  
14 respectfully move this Court, before the Honorable Lorna G. Schofield, United States District Judge  
15 for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley  
16 Square, New York, NY 10007, on such date and at such time as the Court may direct, to issue a  
17 Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970  
18 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Letter of Request”) to take  
19 testimony overseas, pursuant to 28 U.S.C. § 1781, Federal Rule of Civil Procedure 28(b ), and  
20 Chapter I of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial  
21 Matters, March 18, 1970, T.I.A.S. No. 7444, 23 U.S.T. 2555. The proposed Letter of Request is  
22 attached as Exhibit A to the Winters Declaration.

23 A Proposed Order is attached to this Notice of Motion.

24 **LAW OFFICES OF LINGEL H. WINTERS**

25 Dated: April 10, 2019

By: */s/ Lingel H. Winters*

LINGEL H. WINTERS (State Bar No. 37759)

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*Attorneys for Plaintiffs*

*And All Others Similarly Situated*

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9 Defendants.

10 **[PROPOSED] ORDER GRANTING MOTION FOR ISSUANCE OF A**  
11 **HAGUE CONVENTION REQUEST FOR INTERNATIONAL**  
**JUDICIAL ASSISTANCE TO TAKE TESTIMONY OVERSEAS**

12 The Court, having reviewed Plaintiffs' Motion for Issuance of a Hague Convention Request  
13 for International Judicial Assistance to Take Testimony Overseas as well as the papers in support  
14 and opposition, HEREBY ORDERS THAT:

- 15 1. The Motion is GRANTED.
- 16 2. The Request for International Judicial Assistance Pursuant to the Hague Convention  
17 of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matter attached as  
18 Exhibit A to the Declaration of Lingel H. Winters, dated April 10, 2019 is hereby issued as the  
19 Court's "Letter of Request" and is fully incorporated herein.
- 20 3. The signed Order and the Letter of Request will be given to Lingel H. Winters  
21 Professional Corporation, Attorneys for Plaintiffs, who will cause both documents to be filed with  
22 The Senior Master (Queen's Bench Division), Royal Courts of Justice Strand, London WC2A 2LL,  
23 England.
- 24 4. The Stipulation and Order of Confidentiality (ECF No. 249 ) in this action shall apply  
25 to the deposition, including the transcript and video.
- 26 5. This Order, the deposition of Mr. Matthew Gardiner, or the terms of the Letter of  
27 Request (which are incorporated into this Order) shall not be construed or operate as a waiver of any  
28 argument, position, objection, allegation, or claim or defense of any party in the above-captioned

1 action, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights,  
2 protections, or prohibitions that may apply to that evidence under the laws of England, the United  
3 States, or the State of New York.

4  
5 Dated: \_\_\_\_\_, 2019  
6 New York, New York

7 SO ORDERED.

8  
9 \_\_\_\_\_  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE